

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-28D, 34-897,)
34-898, 34-2409A, 34-12034A, 34-259E,)
34-738D, & 34-7184)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-202

WHEREAS, a drought emergency has been declared for Butte County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purposes of use for valid existing water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on May 17, 2022, Joel Andersen submitted the attached temporary change application to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

1. Diversion and use of the changed portions of rights 34-28D, 34-897, 34-898, 34-2409A, 34-12034A, 34-259E, 34-738D, and 34-7184 is authorized only at the points of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well as a point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought conditions. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right 34-28D is limited to the irrigation of 40 acres within the authorized places of use in a single irrigation season.
6. Right 34-2409A is limited to the irrigation of 110 acres within the authorized places of use in a single irrigation season. Rights 34-2409A and 34-12034A when combined shall not exceed a total diversion rate of 2.20 cfs and a total annual maximum diversion volume of 462 af.
7. Rights 34-2409A, 34-28D, 34-61C, 34-373C, 34-891A, 34-892C, 34-897, 34-898, and 34-12034A when combined shall not exceed a total diversion rate of 3.77 cfs and the irrigation of 132 acres.
8. Right 34-12034A is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right. Right 34-12034A is based upon an enlargement of Right 34-2409A pursuant to Idaho Code § 42-1426. Right 34-12034A is for an enlargement of 22 acres within the places of use described for this right.
9. Rights 34-7184, 34-259E, and 34-738D when combined shall not exceed a total diversion rate of 0.91 cfs and the irrigation of 33 acres in a single irrigation season.
10. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
11. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
12. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
13. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
14. This temporary change approval expires on November 1, 2022 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 20th day of May, 2022.



James Cefalo
Eastern Region Manager

RECEIVED

MAY 17 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAmended
TC-34-202Department of Water Resources
Eastern Region **TEMPORARY CHANGE APPLICATION***(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)*Name of Applicant Joel and Belva Andersen Phone 208-589-0019
Mailing Address 2791 N 3375 W Moore, ID 83255 Email andersenangus@gmail...**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
2. Describe the proposed change(s) and explain the reason(s) they are needed. _____
 Due to drought conditions in the basin, surface water availability is greatly reduced. Groundwater is required to supplement surface water for healthy crop production. The proposed transfer will move 55.3 acres to the proposed place of use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
See Attached Table				to _____
				to _____
				to _____
				to _____

2. Total amount of water being transferred 1.57 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
5N	26E	4		NW	SE	SE	BUTTE	Big Lost River	Moore Canal
4N	26E	9			NE	SW	BUTTE	GROUND WATER	WMIS #51/ A0008048

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	16									26.8			28.8					55.6

Total Acres 55.6

Corrected Temporary Change Application Quantities

Right No.	Priority	Rate (cfs)	Volume (af)	Acre Limit	Total Acres	Nature of Use	Period of Use
34-28D	8/31/1884	0.33		16.3	28.6	Irrigation	5/1 to 10/15
34-897	6/1/1896	0.03		1.4	28.6	Irrigation	5/1 to 10/15
34-898	6/1/1898	0.53		28.6	28.6	Irrigation	5/1 to 10/15
34-2409A	4/6/1961	0.48		23.8	28.6	Irrigation	4/1 to 11/1
34-12034A	6/20/1972	0.08		4.8	28.6	Irrigation	4/1 to 10/31
Combined Limits		0.82		28.6			
34-259E	5/20/1884	0.29		27	27	Irrigation	5/1 to 10/15
34-738D	6/30/1891	0.39		27	27	Irrigation	5/1 to 10/15
34-718A	4/26/1977	0.46	94.5	27	27	Irrigation	4/15 to 10/15
Combined Limits		0.75	94.5	27			
Total Transferred		1.57	194.6	55.6			

SUPERCEDED

Temporary Change Application Quantities

Description of Rights After Requested Change							
Right Number	Priority	Amount (cfs/ac-ft)	Total Acres	Acre Limit	Nature of Use	Period of Use	
34-2409A	4/6/1961	0.48	28.60	23.83	Irrigation	4/01 to	11/01
34-12034A	6/20/1972	0.08	28.60	28.60	Irrigation	4/01 to	11/01
34-28D	08/01/1884	0.33	28.60	16.34	Irrigation	4/01 to	11/01
34-897	6/01/1896	0.03	28.60	1.43	Irrigation	4/01 to	11/01
34-898	6/01/1898	0.53	28.60	28.60	Irrigation	4/01 to	11/01
34-7184	4/26/1977	0.46	27		Irrigation	4/01 to	11/01
34-738D	6/30/1891	0.39	27		Irrigation	4/01 to	11/01
34-259E	5/20/1884	0.29	27		Irrigation	4/01 to	11/01

Total amount of water being transferred

1.722 cfs 61 .6 acres

Won't be delivered in 2022

SUPERCEDED

6. General Information:

- a. Who owns the water right to be changed? Phyllis Merrill (Jones), Joel Andersen
- b. Describe the arrangement allowing use of the right. See the attached document
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The land will not be irrigated with ground water for the remainder of the season.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. 34-7184 was used for 1 day this season. Well won't have supply for remainder of season. SW is off.
- e. Absent the changes, how would the right be used for the remainder of the year? Insufficient water at existing location, thus the POU would not be irrigated.
- f. Describe other water rights used for the same purpose. All properties are overlapped by surface water rights.
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.


Signature of Applicant

5/17/2022
Date

FOR DEPARTMENT USE ONLY

Received by MP Date 5/9/22 \$50 fee receipted by MP Receipt No. E048116
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

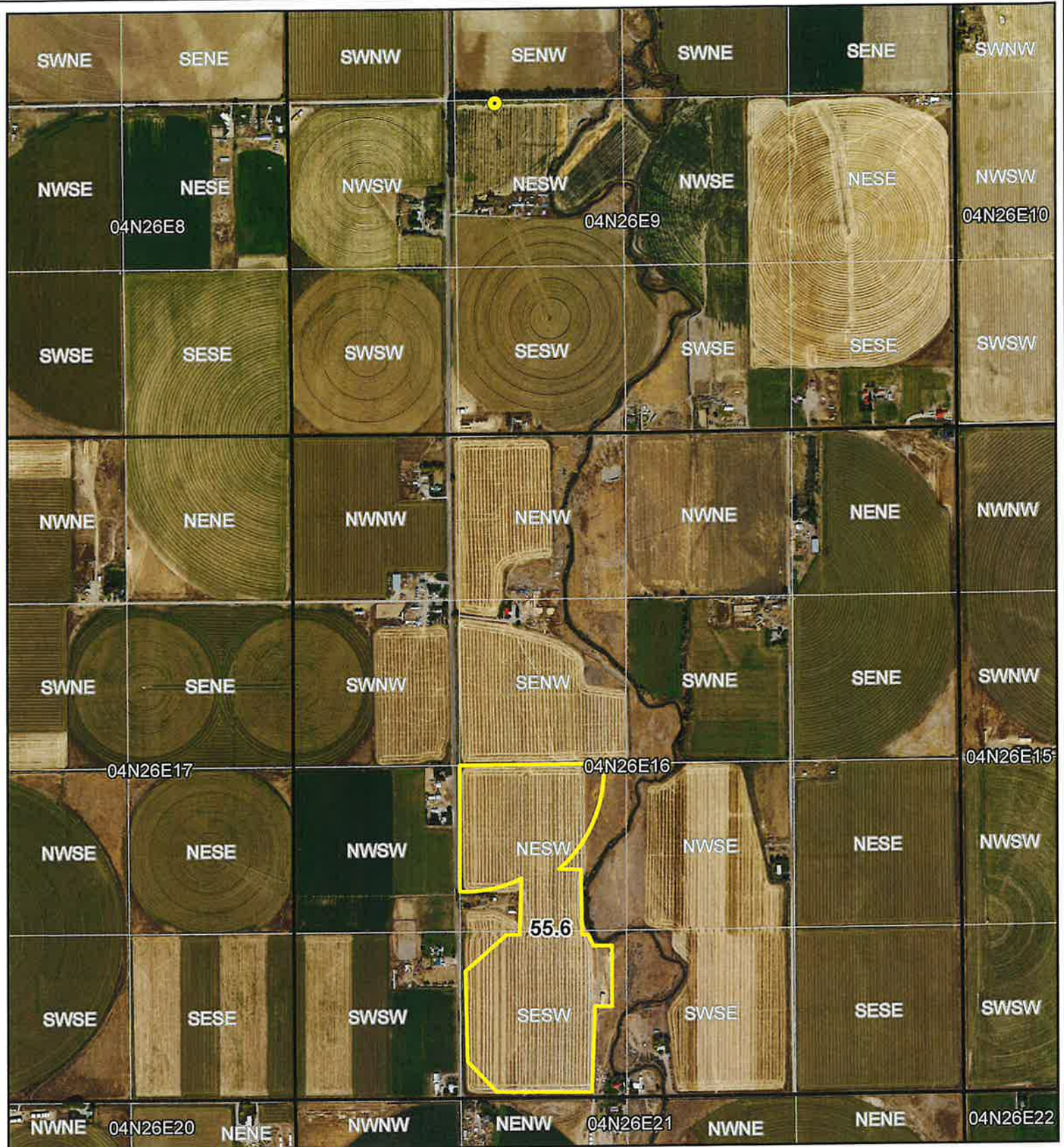
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

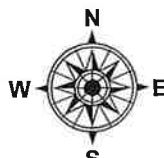


0 500 1,000 2,000 Feet

2021 NAIP

Legend

- Proposed POD QQ
- Proposed POU
- Twp & Rng
- Section



TO Location - Temporary Change App.

Joel Andersen

RMEA # 21-0268

by: KM

Date: 5/17/2022



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

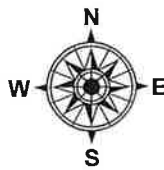


0 500 1,000 2,000 Feet

2021 NAIP

Legend

-  WRPOD 34-2409A & 34-12034A
-  WR POU 34-2409A & 34-12034A & 34-28D
-  Acres to Transfer
-  QQ



**FROM Location - 34-2409A,
34-12034A, 34-28D**

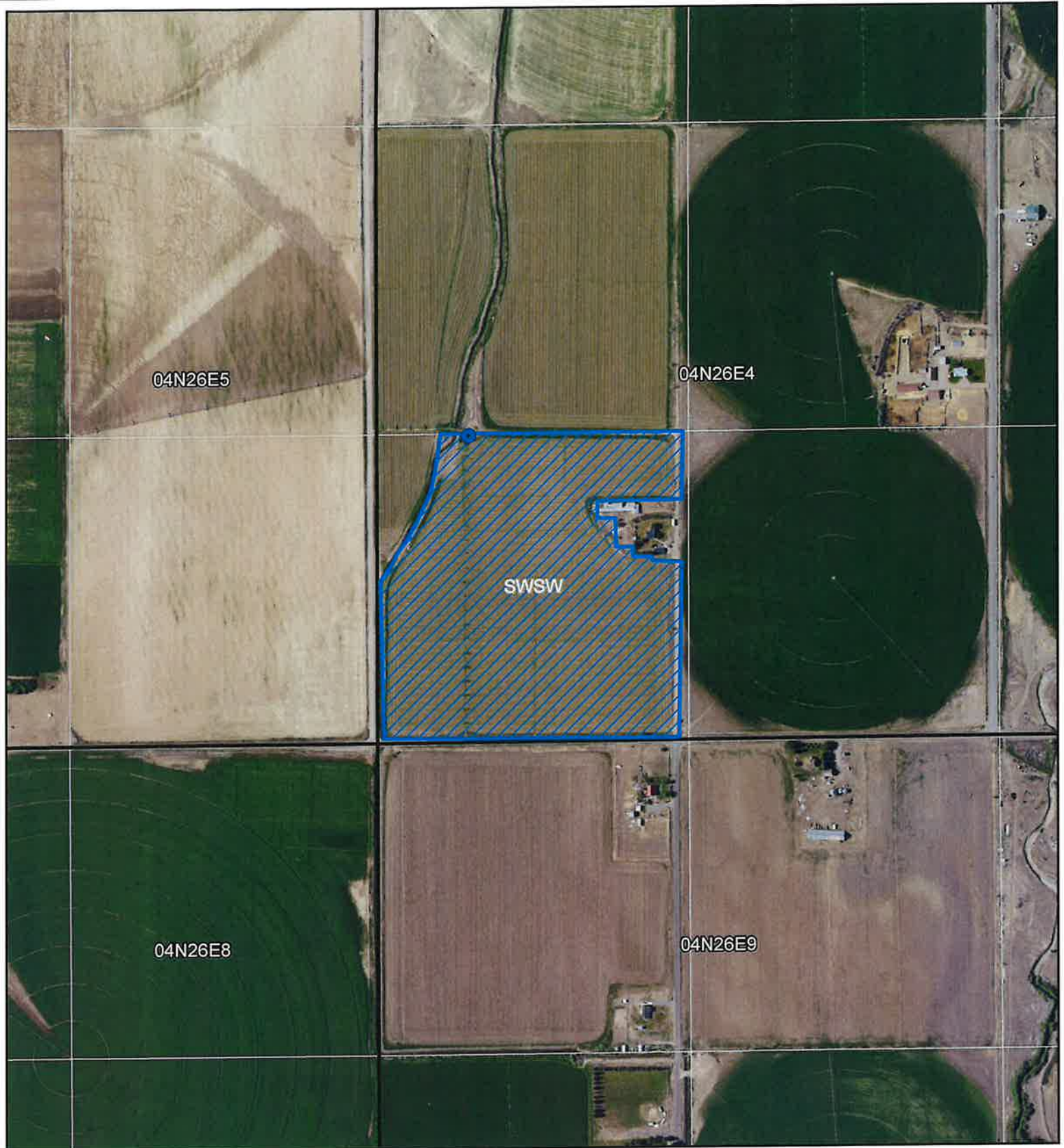
Joel Andersen

RMEA # 21-0268

by: KM

Date: 5/17/2022





0 500 1,000 2,000 Feet

2021 NAIP

Legend

-  WRPOD 34-7184
-  WRPOU 34-7184, 34-738D, 34-259E
-  Acres to Transfer
-  Twp & Rng
-  Section
-  QQ



**FROM Location - 34-7184, 34-738D,
34-259E**

Joel Andersen

RMEA # 21-0268

by: KM

Date: 5/17/2022



Farm Lease Agreement 2022

This Farm lease agreement is between Phyllis Merrill Owner and Joel Andersen lessee. This lease is for 74 acres of cropland in Butte County Idaho. Due to a mild winter with little snowpack in the Big Lost River Drainage this lease will be modified from prior leases. Terms will be the Lessee will pay the Owner \$4050.00 up front on this date March 20, 2022. Depending on the water supply outlook on April 15, 2022. Lessee will determine to plant a crop (Barley) or to leave the ground fallow. All intentions as of this date are to plant a crop. As of March 20, 2022 the Mackay Dam is at 52%. Big Lost Basin is at 74% snowpack. If the crop is planted and harvested the lessee will pay the remainder of the rent when harvest is over. (\$3450.00). If the crop fails or is not planted the \$4050.00 will be the total amount for the year. The Owner and Lessee will evaluate the water supply and availability around April 15, 2022. Other Terms of this lease are the same as in all prior leases.

Phyllis Merrill

4-5-2022

Joel Andersen

3-20-2022

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-202Applicant's Name: JOEL & BELVA ANDERSEN

Watermaster's Recommendation:

- a) LY I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows: _____

- c) _____ I oppose approval of this application for the following reasons: _____

- d) _____ Additional Comment: _____

Dated this 19 day of May, 2022Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Thursday, May 19, 2022 9:52 AM
To: Holliday, Michael
Subject: RE: Joel Andersen temp change

Thanks Michael,

The BLRID does not oppose the amended TC 34-202. Also thanks for straightening out the Woodbury water right!

Thanks

Lucas

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Wednesday, May 18, 2022 3:17 PM
To: watermaster34@atcnet.net; General Manager <blridgm@atcnet.net>
Cc: waterdist34@atcnet.net; BIG LOST RIVER IRR DIST (blrid@atcnet.net) <blrid@atcnet.net>
Subject: Joel Andersen temp change

Lucas,

Attached is another, which takes what's left of the rights on the Phyllis Merrill property after the approval of TC-34-203.
Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177